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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,642	01/03/2001	Paul J. Rank	0007056-0055	7532
26263	7590	11/14/2005	EXAMINER	
SONNENSCHEIN NATH & ROSENTHAL LLP P.O. BOX 061080 WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080			HILLERY, NATHAN	
			ART UNIT	PAPER NUMBER
			2176	
DATE MAILED: 11/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/756,642	RANK ET AL.
	Examiner Nathan Hillery	Art Unit 2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 August 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-44 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 August 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 8/22/05.
2. Claims 1 – 44 are pending in the case. Claims 1, 12, 23 and 34 are independent.
3. The objection to the Drawings has been withdrawn as necessitated by amendment.
4. The rejection of claims 1 – 11 under 35 U.S.C. 101 as being nonstatutory has been withdrawn as necessitated by amendment.
5. The rejection of claims 12 – 33 under 35 U.S.C. 101 as being nonstatutory has been maintained.
6. The rejection of claims 1 – 44 under 35 U.S.C. 103(a) as being unpatentable has been maintained.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
8. Claims 12 – 33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 12 – 33 are software per se and are not tangibly embodied to a computer system. The rejection to claims 12 – 33 may be overcome if an inference to some form of hardware is claimed. Consequently, the claimed invention does not require the technical or useful arts and, thus, fails to define patentable subject matter.
9. Further, to expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth

below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 1 – 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US005280575A).

12. **Regarding independent claim 1**, Young et al. teach that *FIGS. 1 through 5D depict, at various level of detail, a tabular data structure in accordance with the invention. With reference to FIG. 1, a tabular data structure 10 includes three primary portions, including a descriptor portion 11, a header portion 12 and a table contents portion 13. As will be described in greater detail below in connection with FIGS. 5A through 5C, the table contents portion 13 contains, in one or more data structures each representing a table, data representing a table, which comprises an array of cells. Tabular data may be generated by, for example, a spreadsheet program in which data organized in the form of an array of, generally, two or more dimensions. The data stored in cells in a table may comprise literal data, that is, data representing input by an operator or other source, or it may comprise data representing a formula which defines a cell value in terms of an arithmetic expression with reference to other cells in the table. Alternatively, as described below, data for a cell may be represented or provided*

by a source external to the tabular data structure 10 (Column 1, line 66 – Column 2, line 18), which provide for **storing on a first record (portion) property data (descriptor portion) of said spreadsheet file; storing on a second record (portion) access data (header portion) of said spreadsheet file for indexing of spreadsheet cell data; storing on a third record (portion) said spreadsheet cell data (table contents portion) for a plurality of spreadsheet cells.** Young et al. do not explicitly teach **a first record, a second record, or a third record.** However, it would have been obvious to one of ordinary skill in the art at the time of invention to be motivated to use and/or modify Young et al. to provide for **a first, second and third record**, since Young et al. already disclose that a *tabular data structure 10 includes three primary portions, including a descriptor portion (property data) 11, a header portion (access data) 12 and a table contents portion (spreadsheet cell data) 13.* In further support, Microsoft Press Computer Dictionary 3rd edition defines **record** as a *data structure that is a collection of fields (elements), each with its own name and type.*

13. **Regarding dependent claim 2**, Young et al. teach that *in a refinement, each row in the data structure includes a row header including, implicitly or explicitly, a row number and at least zero or more cells, the row number identifying a row in a table for the cell* (Column 1, lines 39 – 43), which provide that **said property data includes the number of rows and cells in said spreadsheet file.**

14. **Regarding dependent claims 3 and 4**, Young et al. teach that *the descriptor portion 11 includes a plurality of fields, including a format version identification field 14 that identifies a format version for the tabular data structure 10* (Column 2, lines 19 –

22) and that *in addition, the header portion 12 includes a title field 21 which contains a title for the tabular data structure 10 and a data field 22 which contains a date identifying when the tabular data structure was created or last modified or updated* (Column 2, lines 43 – 48), which provide that **said property data includes the name and version of the spreadsheet file and said property data includes date information of said spreadsheet file.**

15. **Regarding dependent claim 5**, Young et al. teach that *the table metadata field 64 may also contain a default formats field 74 which contains default formats for the rows and columns comprising the table defined by table definition 59* (Column 6, lines 40 – 43), which provide that **said property data includes default data formatting information.**

16. **Regarding dependent claim 6**, Young et al. teach that *the table header portion 60 may include fields 61 and 62 which may contain values identifying, respectively, the maximum number of columns and rows which the table may contain* (Column 5, line 67 – Column 6, line 3); which provide that **said access data includes the number of columns of said spreadsheet file accessed by said second record.**

17. **Regarding dependent claim 7**, Young et al. teach that *as a further refinement, each cell includes a header portion and a value portion, the header portion containing a cell number identifying a column in a table for the cell* (Column 1, lines 43 – 46), which provide that **said access data includes cell IDs of cells in said columns accessed by said second record.**

18. **Regarding dependent claim 8**, Young et al. teach that *the table contents portion 13 includes one or more table definitions each of which may, in turn, include a metadata portion, which, in turn, includes column entries each of which contains information regarding processing and display of a specific column of data in the table* (Column 3, lines 43 – 48), which provide that **a plurality of records storing access data, wherein each of said plurality of records storing access data accesses a subset of columns of said spreadsheet file.**

19. **Regarding dependent claim 9**, Young et al. do not explicitly teach that **said cell data includes the number of cells stored in said third record**. However, Young et al. do teach that *the table contents portion 13 contains, in one or more data structures each representing a table, data representing a table, which comprises an array of cells* (Column 2, lines 4 – 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to store the number of cells because the invention of Young et al. uses an array to hold the cells and the skilled artisan would want to keep track of the number of elements in an array for memory conservation.

20. **Regarding dependent claim 10**, Young et al. teach that *a cell 91 includes ... a cell value/expression field 97, which contains the literal value for the cell, and/or an expression by which the value for the cell can be computed* (Column 8, lines 15 – 20), which provide that **said cell data includes the data values stored in cells stored in said third record.**

21. **Regarding dependent claim 11**, Young et al. teach that *the table contents portion 13 contains, in one or more data structures each representing a table, data*

representing a table, which comprises an array of cells (Column 2, lines 4 – 7), which provide for a plurality of records storing cell data, each of said plurality of records storing cell data storing a subset of the cells of said spreadsheet file.

22. **Regarding claims 12 – 22**, the claims incorporate substantially similar subject matter as claim 1 – 11, and are rejected along the same rationale.

23. **Regarding claims 23 – 33**, the claims incorporate substantially similar subject matter as claims 1 - 11, and are rejected along the same rationale.

24. **Regarding claims 34 – 44**, the claims incorporate substantially similar subject matter as claims 1 – 11, and are rejected along the same rationale.

Response to Arguments

25. Applicant's arguments filed 8/22/05 have been fully considered but they are not persuasive.

26. In response to applicant's argument that Young et al. do not teach, suggest, or disclose **storing on a second record access data of said spreadsheet file for indexing of spreadsheet cell data**, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Conclusion

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (571) 272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER

11/9/2005

NH